

NOTE: Government Code section 11340.85 requires the Board to post all notices, initial statement of reasons and texts of rules noticed to the public until **15 days after the proposed regulations are filed with the Secretary of State by the Office of Administrative Law.**

CALIFORNIA HORSE RACING BOARD
TITLE 4, DIVISION 4, CALIFORNIA CODE OF REGULATIONS

NOTICE OF PROPOSAL TO AMEND
RULE 1844. AUTHORIZED MEDICATION
AND
RULE 1866.1. PRESENCE OF CLENBUTEROL IN QUARTER HORSES

The California Horse Racing Board (Board/CHRB) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1844, Authorized Medication, to revise subsection 1844(e) to remove clenbuterol, or its metabolites or analogs, as a drug substance that may be present in the official urine test sample for any horse competing in a race. Additionally, the Board proposes to amend Rule 1866.1, Presence of Clenbuterol in Quarter Horses. The proposed amendment of Rule 1866.1 will change the title of the regulation to “Presence of Clenbuterol in Horses,” as the regulation will be modified to include all breeds of horses that participate in authorized race meetings in California. The proposed regulation will require that a horse that is prescribed or otherwise tests positive for clenbuterol in a blood, urine, or other official test sample be placed on the Veterinarian’s List until clenbuterol is no longer detected in the horse’s blood or urine by an official test sample. All other changes to Rule 1844 and Rule 1866.1 are for the purposes of clarity and consistency.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, May 23, 2019**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on May 13, 2019**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
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Sacramento, CA 95825
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E-Mail: haroldc@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19440, 19562, 19580 and 19581, Business and Professions Code.

Business and Professions Code sections 19440, 19562, and 19580, authorize the Board to adopt the proposed regulations, which would implement, interpret or make specific sections 19440, 19562, 19580 and 19581, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the medications that may be found in official test samples and the level at which such medications may occur. Board Rule 1866, Veterinarian's List, describes the requirements and procedures for placing a horse on the Veterinarian's List when it is determined that the horse is unfit to compete in a race due to veterinary treatment, physical distress, injury, lameness, unsoundness or infirmity.

The proposed amendment to Rule 1844(e)(6) will remove Clenbuterol, or its metabolites and analogs, as a drug substance that may be present in any detectable level in an official test sample. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that can also have an anabolic steroidal-type effect, enhancing the performance of the horse. Other side-effects associated with clenbuterol administration have been scientifically documented to include a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as effects on bone, immune, endocrine, and reproductive systems. Because of these performance enhancing effects, Clenbuterol has been abused in quarter horses in recent history. In 2015, to address the abuse of

Clenbuterol in quarter horses, the Board amended Rule 1844, prohibiting the presence of Clenbuterol in quarter horse post-race test samples. The regulation was amended again in 2017 to provide that no Clenbuterol, or its metabolites or analogs, may be present in the official urine test sample for any horse competing in a quarter horse race. Recently, the CHRB has observed an increase in out-of-competition test samples of thoroughbreds that contain the presence of Clenbuterol. To protect all horses from the unregulated and potentially harmful administration of Clenbuterol, and to protect the wagering public from those who would seek unfair advantages gained using clenbuterol, the Board has determined that it must deauthorize any detectable level of clenbuterol in an official urine test sample.

The proposed amendment of Rule 1866.1 will change the title and the text of the regulation to “Presence of Clenbuterol in Horses” for purposes of clarity, as any horse prescribed clenbuterol will be placed on the Veterinarian’s List, rather than just quarter horses. Any horse prescribed clenbuterol will be placed on the Veterinarian’s List until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866. The rule describes reporting, timing, and labeling requirements for clenbuterol prescriptions—which includes compliance with Veterinary Medical Board prescription regulations—as well as trainer reporting requirements for clenbuterol administration. The rule requires that any horse that has clenbuterol detected in a blood, urine, or other official test sample shall be placed on the Veterinarian’s List until an investigation is conducted to determine the circumstances surrounding the detected clenbuterol, and a subsequent official test fails to detect clenbuterol in the horse after a workout pursuant to Rule 1866. This will assure that clenbuterol administration in horses is closely monitored and regulated by the CHRB to prevent misuse and abuse.

FORMS INCORPORATED BY REFERENCE

Rule 1866.1 incorporates by reference CHRB-24, Veterinarian Report (Revised 01/16), and CHRB-60, Trainer Medication Report (Revised 07/15), as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the California Code of Regulations.

The CHRB-24, Veterinarian Report (Revised 01/16), is used to report details of clenbuterol prescriptions by CHRB licensed veterinarians to the Official Veterinarian. Specifically, the form is used by veterinarians throughout California racetracks to report all treatments occurring within the racing inclosure, as required by Rule 1842.

The CHRB-60, Trainer Medication Report (Revised 07/15), is used by licensed trainers to report each administration of clenbuterol given to a horse in their care to the Official Veterinarian. The form allows the Official Veterinarian to properly identify all horses within the inclosure that have been administered clenbuterol.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1844 and Rule 1866.1 promotes the safety and welfare of all horses participating in recognized race meetings, as well as protects the wagering public. The amendments provide guidelines for treating horses with clenbuterol in a manner that will increase

the safety and welfare of equine athletes. Clenbuterol, a beta-2 agonist used as a bronchodilator in horses, can also be used for its anabolic-type effects to enhance the performance of a race horse. Such a practice not only can lead to harmful side effects for horses, but also harm the wagering public by giving horses treated with clenbuterol an unfair advantage in races. When trainers and owners follow the proposed regulations, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

The proposed amendment to Rule 1844 and Rule 1866.1 will benefit California's race horses by protecting them from the unregulated and potentially harmful administration of clenbuterol. The proposed Regulations will also benefit the wagering public by assuring them that trainers and owners are not permitted to illegitimately enhance the performance of their horses using clenbuterol. Finally, these proposed amendments will benefit the horse racing industry by ensuring that horses receiving clenbuterol will not be permitted to race in California, protecting both the horse from potential injury and the public from negative perceptions of horse racing.

CONSISTENCY EVALUATION

During the process of developing the regulation and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1844, and Rule 1866.1, will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- Nolen-Walston et al., *Effect of long-term oral administration of a low dosage of clenbuterol on body fat percentage in working and nonworking adult horses*, 76 AJVR 460-466 (2015).

- Charles F. Kearns & Kenneth H. McKeever, *Clenbuterol and the horse revisited*, 182 THE VETERINARY JOURNAL 384-391 (2009).

Cost impact on representative private persons or businesses: none.

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1844 and Rule 1866.1 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1844 and Rule 1866.1 promotes the health and welfare of equine athletes and the wagering public. The proposed amendment will deauthorize any detectable level of clenbuterol in an official urine test sample in any race horse. Clenbuterol is a beta-2 agonist used as a bronchodilator in horses that can also have an anabolic-type effect. Because of these anabolic effects, clenbuterol has been abused to enhance the horse's performance in races. Side-effects associated with clenbuterol administration have been scientifically documented to include a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as effects on bone, immune, endocrine, and reproductive systems. For these reasons, it has been determined that deauthorizing any detectable level of clenbuterol in official urine samples is necessary to protect race horses from the unregulated and potentially harmful administration of clenbuterol, as well as to protect the wagering public from unfair advantages gained by trainers and owners who illegitimately enhance the performance of their horses using clenbuterol. The proposed amendment to Rule 1844 and Rule 1866.1 will not benefit worker safety or California's environment.

Effect on small businesses: none. The proposal to amend Rule 1844 and Rule 1866.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6026
E-mail: hcoburn@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS:

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

INITIAL STATEMENT OF REASONS

RULE 1844. AUTHORIZED MEDICATION.

RULE 1866.1. PRESENCE OF CLENBUTEROL IN QUARTER HORSES

SPECIFIC PURPOSE OF THE REGULATION

The Board proposes to amend Rule 1844, Authorized Medication, to revise subsection 1844(e) to remove clenbuterol, or its metabolites or analogs, from the list of drug substances that may be detected in an official urine test sample at specified levels. Additionally, the Board proposes to amend Rule 1866.1, Presence of Clenbuterol in Quarter Horses, to change the title of the regulation to "Presence of Clenbuterol in Horses," as the regulation will be modified to include all breeds of horse that participate in authorized race meetings in California. The proposed regulation will require that a horse that is prescribed or otherwise tests positive for clenbuterol in a blood, urine, or other official test sample be placed on the Veterinarian's List until clenbuterol is no longer detected in the horse's blood or urine by an official test sample. All other changes to Rule 1844 and Rule 1866.1 are for the purposes of clarity and consistency.

PROBLEM

Clenbuterol is a beta-2 agonist used typically as a bronchodilator in horses that can also have anabolic steroidal-type effects, enhancing the performance of the horse. Because of these anabolic effects, clenbuterol has been abused in quarter horses in recent history to enhance their performance in races. In 2010, the California Horse Racing Board (CHRB) conducted testing at Los Alamitos Race Course by collecting blood samples from 72 quarter horses. The results revealed that every sample (72 out of 72) contained detectable levels of clenbuterol in the horse's blood. Clenbuterol can be detected in blood for no more than 4-7 days after administration, indicating that all of the tested horses had recently been administered clenbuterol. At the request of Los Alamitos Race Course and the Pacific Coast Quarter Horse Racing Association, the CHRB suspended authorization of clenbuterol by breed and track for one year at a time, pursuant to Rule 1844.1. The suspension was in place for 2011, and upon conducting a similar testing program, the CHRB found that no horses tested positive for clenbuterol following the suspension. In 2013, however, a number of trainers began to once again push the limits on clenbuterol use. In Fiscal Year 2013-14 there were thirteen clenbuterol violations at Los Alamitos. After additional violations in Fiscal Year 2015-16, the Board amended Rule 1844 to deauthorize any detectable level of clenbuterol in a quarter horse's official urine test sample. At the same time, the Board added Rule 1866.1 to provide that a quarter horse prescribed clenbuterol would be placed on the

Veterinarian's List until an official test sample demonstrated there was no clenbuterol in the blood or urine of the quarter horse after a workout to demonstrate its physical fitness. A quarter horse placed on the Veterinarian's List for clenbuterol would not be allowed to start in a race until it was removed from the list. In January 2018, Rule 1844 was amended to provide that no horse participating in a quarter horse race may have clenbuterol, or its metabolites or analogs, present in the official test sample. At its October 2018 Regular Meeting, the Board voted to suspend the authorized administration of clenbuterol for all horses participating in a horse race for a period of 12 months pursuant to Rule 1844.1, Suspension of Authorized Medication. The suspension was the result of an increase in the presence of clenbuterol in thoroughbred out-of-competition test samples. The Equine Medical Director stated an analysis of the clenbuterol positives indicated the drug was not consistently used for therapeutic purposes. Instead, after monitoring the veterinarian reports of medication prescribed, it appeared that in some instances the drug's use was not random. Rather, in some barns the use of clenbuterol was "trainer driven." The veterinarian reports revealed that some veterinarians would prescribe the drug to a large number of horses in one trainer's barn and have no prescriptions in another. At its October 2018 Regular Meeting, the Board also voted to initiate an amendment to Rule 1844 and Rule 1866.1. The regulations would collectively prohibit the presence of clenbuterol, or its metabolites or analogs, in an official urine sample of any horse competing in a race. The proposed regulations will not prohibit the use or possession of clenbuterol. A horse may still be placed on clenbuterol for therapeutic purposes; however, the horse must be placed on the Veterinarian's List in accordance with Rule 1866, Veterinarian's List. To be eligible to run in a race, the horse must work out to demonstrate its physical fitness and test clear of clenbuterol in its blood or urine test sample. The proposed amendments are intended to protect the public and the health and welfare of the horse. While trainers with clenbuterol positives may be sanctioned, the public is not protected in these instances. Those who wager on races where certain horses have been administered clenbuterol have no recourse. The fans who wager on a winning horse that has been administered clenbuterol—which often includes the horse's owners and trainers—are rewarded, while those who wager on a losing horse not administered clenbuterol become victims of an unfair and illegal performance enhancing scheme. Furthermore, unless properly used for therapeutic purposes, side-effects associated with clenbuterol administration have been scientifically documented in horses to include a repartitioning effect (the reduction of fat levels, while preserving or increasing muscle mass) and major alterations in cardiac and skeletal muscle function, as well as effects on bone, immune, endocrine, and reproductive systems.

NECESSITY

The proposed amendment to Rule 1844 will revise subsection (e)(6) to deauthorize any detectable level of clenbuterol in an official urine test sample in any horse participating in a race. This is necessary to officially prohibit the use of clenbuterol in horses entered to race, making violations of the rule actionable and subject to Board penalties.

The proposed amendment of Rule 1866.1 will change the title of the regulation to: "Presence of Clenbuterol in Horses." In addition, the text of the regulation will be changed to replace "quarter horse" with "horse." The changes to the title and text of Rule 1866.1 are necessary as the regulation will no longer address only quarter horses. All horses participating in a race shall not have a detectable level of clenbuterol in their official test samples. Pursuant to Rule 1866.1, any

horse prescribed clenbuterol will be placed on the Veterinarian's List for veterinary treatment until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866. The proposed amendment of Rule 1866.1 will allow for the legitimate therapeutic use of clenbuterol in race horses, while prohibiting any level of clenbuterol, or its metabolites or analogs, in the official test samples of horses competing in a race.

BENEFITS ANTICIPATED FROM THE REGULATORY ACTION.

The proposed amendment to Rule 1844 and Rule 1866.1 will benefit California's race horses by protecting them from the unregulated and potentially harmful administration of clenbuterol. Clenbuterol, a beta-2 agonist typically used as a bronchodilator in horses, can also be used for its anabolic-type effects to enhance the performance of a race horse. Such a practice is not only unfair to competitors and the wagering public but can also lead to harmful side effects for the horse, such as a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as effects on bone, immune, endocrine, and reproductive systems. Such side effects may also increase the likelihood of the horse becoming injured while running, which always carries the potential of injuring the rider as well. By restricting the prescription and administration of clenbuterol and prohibiting horses from racing with clenbuterol in their system, these regulations will increase the safety and welfare of equine athletes and their riders.

The proposed amendments will also benefit the wagering public by assuring them that trainers and owners are not permitted to illegitimately enhance the performance of their horses using clenbuterol. In fact, when trainers and owners follow the proposed rule amendments, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

The proposed rule amendments will benefit the horse racing industry by ensuring that horses receiving clenbuterol will not be permitted to race in California, protecting both the horse from potential injury and the industry from negative public perceptions of horse racing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS.

In proposing the amendment to Rule 1844 and Rule 1866.1, the Board relied on:

- Nolen-Walston et al., *Effect of long-term oral administration of a low dosage of clenbuterol on body fat percentage in working and nonworking adult horses*, 76 AJVR 460-466 (2015).
- Charles F. Kearns & Kenneth H. McKeever, *Clenbuterol and the horse revisited*, 182 THE VETERINARY JOURNAL 384-391 (2009).

The Board did not rely on any other technical, theoretical, and/or empirical study, reports or documents in proposing the amendment of Rule 1844 and Rule 1866.1.

RESULTS OF ECONOMIC IMPACT ASSESSMENT.

The results of the Board's Economic Impact Assessment as required by Government Code Section 11346.3(b) are as follows:

- The proposed regulations will not impact the creation or elimination of jobs within the State of California.
- The proposed regulations will not have an impact on the creation of new businesses or the elimination of existing businesses in the State of California.
- The proposed regulations will not have an impact on the expansion of existing businesses in the State of California.
- The proposed regulations will benefit California by promoting the safety and welfare of horse and rider and will not benefit the State's environment.

The Board has made the initial determination that the proposed amendment of Rule 1844 and Rule 1866.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The amendment to Rule 1844 and Rule 1866.1 will deauthorize any detectable level of clenbuterol in an official urine test sample in race horses, and otherwise require that any horse prescribed clenbuterol be placed on the Veterinarian's List until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866. The proposed rules define reporting, timing, and labeling requirements for clenbuterol prescriptions—which includes compliance with Veterinary Medical Board prescription regulations—as well as trainer reporting requirements for clenbuterol administration. Finally, the proposed rules require that any horse that has clenbuterol detected in a blood, urine, or other official test sample be placed on the Veterinarian's List until an investigation is conducted to determine the circumstances surrounding the detected clenbuterol, and a subsequent official test fails to detect clenbuterol in the horse after a workout pursuant to Rule 1866. This will not impact businesses in any way, and only serves to more actively monitor and regulate the prescription and administration of clenbuterol in California's race horses.

Purpose:

The proposed amendment to Rule 1844, Authorized Medication, will revise subsection 1844(e)(6) to deauthorize any detectable level of clenbuterol in an official urine test sample in horses. Additionally, the proposed amendment of Rule 1866.1 will require that a race horse that is prescribed or otherwise tests positive for clenbuterol in a blood, urine, or other official test sample be placed on the Veterinarian's List until clenbuterol is no longer detected in the horse's blood or urine by an official test sample. These changes will increase the safety and welfare of both equine and human athletes, as well as the wagering public.

The Creation or Elimination of Jobs Within the State of California

The proposed amendment of Rule 1844 and Rule 1866.1 will deauthorize any detectable level of clenbuterol in an official urine test sample in race horses, and otherwise require that horses prescribed and/or administered clenbuterol be placed on the Veterinarian's List until clenbuterol is no longer detectable in their blood or urine. This regulation will only impact individual CHRB

licensees treating race horses with clenbuterol. Therefore, the Board has determined that the proposed rule amendments will have no direct impact on the creation or elimination of jobs within the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

The proposed amendment of Rule 1844 and Rule 1866.1 will deauthorize any detectable level of clenbuterol in an official urine test sample in race horses, and otherwise require that horses prescribed and/or administered clenbuterol be placed on the Veterinarian's List until clenbuterol is no longer detectable in their blood or urine. This regulation will only impact individual CHRB licensees treating race horses with clenbuterol. Therefore, the Board has determined that the proposed rule amendments will have no direct impact on the creation of new businesses or the elimination of existing businesses within the State of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The proposed amendment of Rule 1844 and Rule 1866.1 will deauthorize any detectable level of clenbuterol in an official urine test sample in race horses, and otherwise require that horses prescribed and/or administered clenbuterol be placed on the Veterinarian's List until clenbuterol is no longer detectable in their blood or urine. This regulation will only impact individual CHRB licensees treating race horses with clenbuterol. Therefore, the Board has determined that the proposed rule amendments will have no direct impact on the expansion of businesses currently doing business within the State of California.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed amendment of Rule 1844 and Rule 1866.1 is a benefit to California because they promote the safety and welfare of horse, rider, and the wagering public. Clenbuterol, a beta-2 agonist typically used as a bronchodilator in horses, can also be used for its anabolic-type effects to enhance the performance of a race horse. Such a practice is not only unfair to competitors and the wagering public but can also lead to harmful side effects for the horse, such as a repartitioning effect and major alterations in cardiac and skeletal muscle function, as well as affects on bone, immune, endocrine, and reproductive systems. Such side effects may also increase the likelihood of the horse becoming injured while running, which always carries the potential of injuring the rider as well. By restricting the prescription and administration of clenbuterol and prohibiting horses from racing with clenbuterol in their system, these regulations will increase the safety and welfare of equine athletes and their riders.

The proposed amendments will also benefit the wagering public by assuring them that trainers and owners are not permitted to illegitimately enhance the performance of their horses using clenbuterol. When trainers and owners are following the proposed rules, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Finally, the proposed amendments will benefit the California horse racing industry by ensuring that race horses receiving clenbuterol will not be permitted to race in California, protecting both the horse from potential injury and the industry from negative public perceptions of horse racing. These regulations do not benefit the state's environment.

ALTERNATIVE TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON AFFECTED PRIVATE PERSONS OR BUSINESSES.

The Board has determined that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION.

The proposed amendments to Rule 1844 Rule 1866.1 were discussed at the October 24, 2018 Medication and Track Safety Committee Meeting and the October 25, 2018 Regular Board Meeting. No alternatives to the recommendation were proposed by the Board or by any other individual or entity at either meeting. No subsequent alternative recommendations were made prior to the notice. The Board invites any interested party to submit comments which offer any alternative proposal.

California Horse Racing Board
March 29, 2019

CALIFORNIA HORSE RACING BOARD TITLE 4. CALIFORNIA CODE OF REGULATIONS ARTICLE 15. VETERINARIAN PRACTICES PROPOSED AMENDMENT OF RULE 1844. AUTHORIZED MEDICATION

1844. Authorized Medication.

Consistent with the intent of these rules, drug substances and medications authorized by the Board for use may be administered to safeguard the health of the horse entered to race provided that:

(a) No person shall administer a drug substance to any horse entered to race except upon authorization of the official veterinarian in conformance with these rules.

(b) No drug substance, other than authorized bleeder medication, shall be administered to a horse entered to race within 24 hours of the race in which entered.

(c) Not more than one approved non-steroidal anti-inflammatory drug substance (NSAID) may be administered to a horse that is entered to race and shall be only one of the following authorized drug substances:

(1) Phenylbutazone in a dosage amount that the test sample shall contain not more than 2 micrograms of the drug substance per milliliter of blood plasma or serum.

(2) Flunixin in a dosage amount that the test sample shall contain not more than 20 nanograms of the drug substance per milliliter of blood plasma or serum.

(3) Ketoprofen in a dosage amount that the test sample shall contain not more than 2 nanograms of the drug substance per milliliter of blood plasma or serum.

(4) Metabolites or analogues of approved NSAIDs may be present in post race test samples.

(d) If the official chemist reports that a blood test sample contains an authorized NSAID in excess of the limit for that drug substance under this rule, the official veterinarian shall, in conjunction with the veterinarian who administered or prescribed the authorized drug substance, establish a dosage amount or time of administration of the drug substance that will comply with the limits under this rule; or the official veterinarian may, if in his/her judgment no such reduced dosage amount or amendment to time of administration will result in a test sample level within the limits of this rule, withdraw authorization for the use of any one NSAID.

(e) Official urine test samples may contain one of the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels:

(1) Acepromazine; 10 nanograms per milliliter

(2) Mepivacaine; 10 nanograms per milliliter

(3) Albuterol; 1 nanograms per milliliter

(4) Procaine; 25 nanograms per milliliter

(5) Salicylates; 750 micrograms per milliliter

~~(6) Clenbuterol; 140 picograms per milliliter, except for any horse participating in a quarter horse race for which no level of clenbuterol is authorized.~~

~~(67)~~ Detomidine; 2 nanograms per milliliter

~~(78)~~ Nandrolone; 1 nanograms per milliliter for geldings, fillies and mares; 45 nanograms for males other than geldings.

~~(89)~~ Boldenone; 15 nanograms per milliliter in males other than geldings.

~~(940)~~ Testosterone; 20 nanograms per milliliter in geldings.

(A) Testosterone at any level in males other than geldings is not a violation of this regulation.

~~(1044)~~ Testosterone; 55 nanograms per milliliter in fillies or mares (unless in foal)

~~(1142)~~ Butorphanol 300 nanograms per milliliter

(f) Official blood test samples may contain the following drug substances, their metabolites and analogs, in an amount that does not exceed the specified levels in serum or plasma:

(1) Bethamethasone; 10 picograms per milliliter

(2) Dantrolene; 100 picograms per milliliter

(3) Detomidine; 1 nanogram per milliliter

(4) Dexamethasone; 5 picograms per milliliter

(5) Diclofenac; 5 nanograms per milliliter

(6) Dimethylsulfoxide (DMSO); 10 micrograms per milliliter

(7) Firocoxib; 20 nanograms per milliliter

(8) Lidocaine; 20 picograms per milliliter

(9) Methocarbamol; 1 nanogram per milliliter

- (10) Methylprednisolone; 100 picograms per milliliter
- (11) Glycopyrrolate; 3 picograms per milliliter
- (12) Prednisolone; 1 nanogram per milliliter
- (13) Triamcinolone Acetonide; 100 picograms per milliliter
- (14) Xylazine; 200 picograms per milliliter
- (15) Butorphanol; 2 nanograms per milliliter
- (16) Isoflupredone; 100 picograms per milliliter
- (17) Cetirizine; 6 nanograms per milliliter
- (18) Cimetidine; 400 nanograms per milliliter
- (19) Guaifenesin; 12 nanograms per milliliter
- (20) Omeprazole; 10 nanograms per milliliter
- (21) Ranitidine; 40 nanograms per milliliter

(g) Official blood test samples shall not contain any of the drug substances, or their metabolites or analogs listed in subsection (e)(1) to (6) and (e)(8) to (11).

(h) Procaine, following administration of procaine penicillin, is an authorized medication provided:

(1) Official blood test samples shall not contain any procaine, or its metabolites or analogs in excess of 25 nanograms per milliliter.

(2) all procaine penicillin administrations have been reported pursuant to Rule 1842 of this division,

(3) procaine penicillin was not administered after entry to race,

(4) the horse was under surveillance for a minimum of six hours prior to racing.

(i) All expenses related to surveillance and testing for procaine under subsection (h) of this regulation shall be paid by the owner of the horse.

Authority: Sections 19440 and 19562
Business and Professions Code

Reference: Sections 19580 and 19581
Business and Professions Code

CALIFORNIA HORSE RACING BOARD
TITLE 4. CALIFORNIA CODE OF REGULATIONS
ARTICLE 15. VETERINARY PRACTICES
PROPOSED AMENDMENT OF
RULE 1866.1. PRESENCE OF CLENBUTEROL IN QUARTER HORSES

1866.1. Presence of Clenbuterol in ~~Quarter~~ Horses

(a) A ~~quarter~~-horse prescribed clenbuterol will be placed on the Veterinarian's List for veterinary treatment until an official test sample shows that there is no clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness, pursuant to Rule 1866.

~~Quarter-h~~Horses on the Veterinarian's List for clenbuterol administration will not be allowed to start in a race until the horse is removed from the Veterinarian's List.

(1) Clenbuterol shall only be prescribed to an individual ~~quarter~~-horse for a specific diagnosis to last for a period of not more than 30 days for each prescription. The ~~quarter~~-horse's name, the specific diagnosis, dosage and duration of treatment most recent date of clenbuterol administration must be reported by the prescribing veterinarian to the Official Veterinarian on form CHRB-24 (Rev. 01/16) (Veterinarian Report), which is hereby incorporated by reference.

(2) Clenbuterol prescribed to an individual ~~quarter~~-horse for a specific diagnosis shall not last for more than 30 days for any prescription. Dispensed clenbuterol prescriptions must be

labeled in compliance with Rule 1864, Labeling of Medication, and all other laws, including California Veterinary Medical Board regulations.

(3) Administration of clenbuterol to a ~~quarter~~ horse must be reported by the trainer of the horse to the Official Veterinarian on form CHRB-60 (Rev. 07/15) (Trainer Medication Report), which is here by incorporated by reference.

(b) A ~~quarter~~ horse that, pursuant to Rules 1858 or 1859, is reported to have clenbuterol detected in blood, urine, or any other official test sample by the CHRB official laboratory will be placed on the Veterinarian's List until an investigation has been conducted to determine the circumstances of the presence of clenbuterol in the official test sample, and until a subsequent official test sample fails to detect clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness, pursuant to Rule 1866.

(c) A ~~quarter~~ horse shall not be removed from the Veterinarian's List and allowed to start in a race until an official test sample fails to detect clenbuterol in the blood or urine of the horse after a workout to demonstrate its physical fitness pursuant to Rule 1866.

Authority: Sections 19440, 19562, and 19580
Business and Professions Code

Reference: Sections 19440, 19562, and 19580
Business and Professions Code